

PROCEEDINGS

of a

MILITARY COURT FOR THE
TRIAL OF WAR CRIMINALS

held at

LUNDBERG, GERMANY

on

FRIDAY 16TH NOVEMBER 1945

upon the trial of

JOSEF KRAIER

and

44 Others.

FIFTY-THIRD DAY.

Transcript of the Official
Shorthand Notes.

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At 0930 hours the Court reassembles pursuant to adjournment,
The same President, Members and Judge Advocate being present.

The accused are again brought before the Court.

THE PRESIDENT: The learned Judge Advocate will now continue his summing up.

SUMMING UP. (Continued)

X THE JUDGE ADVOCATE: I now turn to the accused No. 32, Antoni Murkiewicz. The
accused was born on the 15th December 1924 in Poland. He was apparently
arrested by the Germans on the 25th October 1941, by the Gestapo, because he
would not work in a factory. Eventually he went to Sachsenhausen and worked
in certain kommandos, which I need not go into. Then he says that all the
B sick, including himself, were sent to Bergen-Belsen, where he said he arrived
between the 22nd and 25th March 1945. He says he was put in block No. 12,
and the blockmaster was a French Jew. He stayed in this block, he says,
until the British came.

C One day when in block No. 12 the Lagermeister, who he says was not
Kodol, came up and said that he must assist the Stubendienst, especially
with sweeping the floor. He says that he was not given any armband. He
says that the sick people stopped inside the block and the Stubendienst
would serve food to them, and that he himself handed plates of soup to the
prisoners and brought containers to the block. He says that after the
British entered the camp he still continued to work with the Stubendienst
and did not leave Belsen until the 30th April or the 1st May.

X Eventually, you will remember, he was arrested when walking in
Hanover when he was stopped by the man Pinkus, who is one of the people
D making allegations against him, who said to him: "Do you remember the camp?
You refused to give me a second helping. I did not starve as a result of
it, and now I am going to take my revenge." I think he said he was arrested
on the 4th July 1945 by the German police.

He tells you a detailed story of what he says happened to him in the
prison in Hanover. He says that he was taken into a small room where there was
a French officer and a French interpreter, that he was made to kneel down,
that he was beaten and - to cut a long story short - he says there was forced
E out of him a statement in the nature of a confession, which was quite untrue.

X Now, Gentlemen, that incident has received your consideration already,
and it is an extraordinary incident indeed. It may be that he made this
detailed confession, which is so similar to the allegations made against him,
because they were one and the same thing, namely, the truth. On the other
hand, it is quite open to you to take the view, if you think it right, that
it would be quite extraordinary for a man willingly and voluntarily to set
out such a precise indictment against himself.

X The case for the defence on that is that you should treat this
statement as being entirely worthless because it was obtained by force. That
is a matter for you and no doubt will receive your consideration. In any
event, the accused says the statement was untrue. You have the original
statement before you and you can examine the form of it.

A The first witness for the prosecution was Sokolinski. Sokolinski
says the accused lived with him in No. 12 block. He said that he had no
functions, that they were so exhausted as a whole that he and the accused
brought food back to the others and that they had to fight their way back
to keep the food from being taken on the way.

f Then we have the affidavit or statement of Pinkus, who is the man
I have already referred to, who was a Pole from Walsall. He says: "On my
arrival at Belsen I met the accused, a Pole, who was an overseer in block
No. 12. He received me with blows from a stick and an iron bar. I

remember the 12th April 1945. At 7.30 a painter, Grunswieg, a Pole from Wilna, was too weak to work. The accused beat him and he collapsed and died. I had some teeth knocked out myself by the iron bar. On the 15th April 1945 at 8 a.m. a Russian failed to report for work. He brushed against the accused, who hit him. The Russian hit him back. The Russian was then attacked and he was killed by the accused. On April 10th 1945 some hot soup was being distributed. The accused demanded from Lajward five Russian roubles. He asked for more and the accused then beat him. The accused also got a diamond out of Miaz for asking for more soup, but when he got the diamond he did not give him the soup. I have seen the accused beat hundreds of prisoners."

Now, Sir, there are, for what they are worth, statements by three Poles, all of which are in the form that they confirm what Pinkus has said.

The answer to this allegation or allegations is that the accused said: "I did beat people myself. The prisoners at the time were like wild animals, and if food was not being distributed fairly they would have killed the functionaries." He explained that sometimes food was wrongly taken and that the people who were coming in the new convoys came and tried to take food from the sick people in Block. He says in block No. 12 there must have been at least 1200 people, that he never was a blockmaster and he did not receive newcomers into the block. He says he never used a bar or a stick and that the whole of the first allegation of Pinkus is quite untrue. In regard to the second one he says he remembers Grunswieg and says that the incident is quite untrue. He said he was stubborn, but he had no duty to force people to work. He says that Grunswieg helped to bring food from the cookhouse so there was no need to beat him.

With regard to the third allegation of Pinkus, he tells you the story about two gypsies bringing along a Russian, complaining that he had tried to get and eat a heart out of a human body. He says he was given two or three strokes by the stubborn and that the gypsies did not think this was sufficient and they again attacked him and beat him up. Then the accused says he went away.

In regard to the further allegation, he says that Pinkus asked for two portions of soup. He says: "I told him he was entitled to only one, and this is the reason why he has made all these allegations and got the others to join him in doing so." He says that during his stay in concentration camps he has never seen any gold. He says: "What Pinkus said about this obtaining money for soup is entirely untrue."

The next witness was Michael Bialkiewicz, a young man of only 17 years of age who comes from Hanover. He says: "I know the accused at Block. I was ten days in block No. 12, where he was an orderly." Then he makes this extraordinary assertion: "He killed hundreds of people; demanded valuables from prisoners and if he did not get them he beat them to death. My comrade Bauer had a gold tooth. The accused threatened to kill him if he did not give it up", and then he says that Sarna and Langol, his comrades, were also his victims.

The accused's answer to that is: "I never did this at all. I was too young to kill. It was only people who were green triangles that killed in the camp. I never took any gold tooth" and he says that Sarna and Langol, who were night guards in block No. 12, are now in Sweden.

Then there was Mohamed Chaim, who says: "I saw the accused beat a Russian to death in five minutes on the day the English came. The Russian was a strong healthy man." You have seen the accused, and some point was made of how could a small man like that kill or beat a Russian, who was strong and healthy, to death. The accused says: "I am a very small man. I could not kill a strong Russian in five minutes."

X Then you have an affidavit by Antoni Aurdziog himself. I have already dealt with it. It is really not an affidavit, it is a statement which you have got as an exhibit, No. 117. In that statement he gives you a story which completely corroborates in all material matters the story of the allegations against him.

4 Schlomoivics says: "I know the accused, but only by his first name, Antoni. On the 9th April, in the first days in Belsen, I met him in block No. 12. I believe he was always in block No. 12. He was a block orderly. I think he fetched food and distributed it until the day I became block altester. After that I distributed the food myself. < I never saw or heard of any Russian being killed by the accused. > He is quite sure he was not a block altester in block No. 12 during the seven days he was in Belsen. He says that he can deny the evidence of Bialkiewicz because it is untrue. He also says that he has seen the accused beating people on food distribution but not with any weapon. >

D Polanski says: < "I think this man distributed food very fairly and I have never known of him demanding any money for soup. >

X The accused called some witnesses in his defence. The first one was Andrzejewski, who was born on the 26th September 1923 in Lodz in Poland. I do not propose to go through his history, but unfortunately he had to admit that at the present time he is serving a sentence of fifteen years imprisonment for assault on a woman. That is a matter which you can take into account in considering his credibility. He says that he went to Belsen on the 8th April and that he went to block No. 12. The block altester was a friend, but he went sick with typhus and Adam was acting as block altester. Two days before the British arrived a young German, whose name he does not know, was appointed block altester. He says he met the accused first in block No. 12 at Belsen on the distribution of soup and that he noticed him about two days after he arrived. He says Adam poured out the soup into the containers and passed them on to the accused, who handed it out to the prisoners who were sitting on the floor. On the day the British arrived, at about lunch time, Adam and two gypsies brought a Russian to the block who was beaten up, and in effect he says that the accused had nothing to do with this at all -- this, presumably, is the incident that has already been referred to -- because the accused was at the other end of the block sweeping the floor. He says in Belsen he never saw the accused getting money or jewels in exchange for food. He says that the accused did beat prisoners who were fit and who tried to take food from others who were unfit, but he only did it with his hand. > He left Belsen, he says, with a friend, and then having met the accused they all went to Hanover, where he developed typhus. He appears to have left Belsen without having had permission, and some point is made for the prosecution that you should try and find that these people were concerned in this kind of practice and that they were running away before they were overtaken by justice. That is a matter for you to consider as to whether it is sound or not. He claims he was ill all the time in block No. 12 and that the only beating he saw was when food was distributed.

X The next accused is Polanski. He was born on the 24th October 1914 in Mashine in Poland. He says that at first he had no occupation, that he was mobilised into the Polish army in 1939, that he fought against the Germans, becoming a corporal in the artillery, that he was captured by the Germans and sent to a factory, from which he says he escaped and returned to Poland. He was rearrested because he had been working for the underground movement. He escaped, but his whole family was arrested and hostages were taken and he was told that if he did not report all the hostages would be killed, so he did report. Then he says his father, his brother and himself were sent to Auschwitz. He then tells you of what he did in the various camps.

X Then we come to the material date in this case when he marched to Belsen, arriving about 11 o'clock at night on the 7th or 8th April 1945. C He says he was in block No. 12 for two days, and then he went away because

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X he could not get anything to eat. He apparently just left the block of his own accord and went and joined his friend in block No. 16. He says that the inmates were digging graves and food was distributed before the block three times a day. In block No. 16 there were morning appeals when going to work. These were the only parades. A He says that he took no part in helping to get people on to parades. He says he did not help in the food distribution either. He says that the people in block No. 16 were engaged in digging graves, and when they were ready they all had to drag corpses to the graves. X He says that he does not speak German. He is the man who says that when the camp was liberated he reported to the Polish committee and says that they employed him as a political orderly in Belsen. He continued with this duty until Belsen camp was evacuated to Bergen. He says he was arrested by the British on the 30th June 1945 in camp No. 3, kitchen No. 6. About 9 o'clock at night a man shouted: "Detain this man" and he was then detained. This man accused him of being a blockaltester, and he says that he was Engel Sandor, an interpreter.

X He called some witnesses in his defence. There were three. The first was Krajewski, a Pole, who was arrested by the Germans in 1940. He was in various kommandos and eventually came to Hanover. He came to Belsen from Hanover and arrived on the night of 8th/9th April. B He said he had known Polanski before in Auschwitz and was with him in most of those concentration camps. He did not go into block No. 12 but into block No. 13. He corroborates that the accused was in block No. 12 first and then in block No. 16. X He thinks Polanski was in block No. 12 for two or three days, perhaps four, and says he remained in block No. 16 until the liberation. C He says: "The accused did not do anything, but he used to come to see me in my block." He remembers the corpses being dragged to the pits, and he says he helped Polanski. He says this started about the 12th, 13th or 14th April 1945. He says: "I do not know what Polanski was doing after the liberation, but I left the camp. There was a shortage of food in all the blocks and I got very little food indeed. Block No. 16 was a cleaner block than block No. 12." He says that anyone could move in the confusion from one block to another. He said that prisoners working on dragging corpses were not beaten by the accused.

X Then there was a witness, a student from Poland, called Rakoczy. He was arrested by the Germans in 1939. He seems to have been in the same kind of concentration camps as the accused. D He says his experience of the accused was that he behaved very well. X He went to block No. 13 and he says that the accused went to block No. 12. He says that he used to visit him very frequently. E He also says that the accused was a few days in block No. 12 and then went to block No. 16. He says that the accused held no functions in the camp at all as far as he knew. He says he took part in dragging the corpses and the accused was doing the same thing. X He says it was dark when they started to carry the corpses in the morning, and he says that they were beaten as they came out of the block.

X He says in regard to the blockaltesters that they kept their position because they murdered people, that they had a better time than other people and had more food. He says that the corpses were dragged by shifts, and that it went on day and night. He says he was on the night shift and that he saw Polanski on this work three times.

X Then there was another witness who came in for some criticism, deserved or otherwise it is for you to say. That was the man Tatarski, who was apparently a lieutenant in the Polish army. He seems to have been a Polish officer in the artillery. He was captured and, without going through his earlier history, he seems to have been transferred from Walsall to Auschwitz. He knew the accused Polanski. He first met him in Hanover. F He says he got to know him very well because they were in the same block. He says he was a decent man, a good friend and well controlled, and that he used to try and help people by getting extra food from the blockaltesters, because I think he said the accused was a barber. X He came to Belsen on

7th April 1945, and he said that he saw the accused frequently. The accused was in block No. 12 and he, the witness, was in block No. 13. After a short time the accused went to block No. 16, and he was transferred to block No. 1, but he still used to see him in the camp. He says that after the British came a Polish committee was formed and that he was in the medical section of that committee, and that he took part in enquiries into the alleged crimes which have been committed in Belsen. He says that he never heard of any allegation made against Polanski, and that Polanski remained in the camp quite a while and that no allegations were brought against him. He says he remained on in Belsen after the liberation and is still there today. It is for you to form your own views of these witnesses as to whether they were telling the truth or whether they do or do not corroborate the story which Antoni Polanski tells you.

The evidence offered against this accused is, first of all, that of Scapolinski. It is evidence of good character. He says: "This man was a very good friend of mine. He arrived in Belsen seven days before the liberation from Hanover. He had no functions at all. He was in block No. 12 together with me." He says that he never saw Polanski with a rubber truncheon or hitting anyone.

The first accusation that I will deal with is that of Jozef Deutche, who is a Czech Jew. He says: "On the 9th July 1945 accompanied by Sjt. Stanley I identified Polanski in the cells. He was an assistant block leader in block No. 12, camp No. 1, at Belsen. I lived in that block. I was employed on carrying bodies with my father for two or three days before the British came. At appeal for no reason at all the accused started beating my father over the head and body." He was very weak and had to go to hospital. I believe he died of this beating as I could not trace him. I have not recovered from the beating the accused gave me too on this occasion. I still have wounds on the top of my head, one on my right hand and a deep wound on my right leg. The accused also beat many persons in our working party."

To this the accused replies: "I was not an assistant block leader of block No. 12." He says the story is a lie because during his stay in the camp he never beat anyone.

Next comes an accusation by Pavel Burger, a Russian Jew. He says: "I identified Polanski in the cells on the 4th July 1945 with Sjt. Stanley. The accused was an assistant block leader in block No. 12, camp No. 1, at Belsen. I lived in this block. In the early morning on the 8th April 1945 we had to get up early to bury the dead. As we passed the accused and another beat us with a leather belt and many men fell down. The accused frequently beat prisoners with a wooden club. On the 15th April 1945 when burying the dead the work was going slowly because of the weakness of the people. The accused picked out a Pole, Jacobovitch, who was very weak, and beat him with a wooden club. He sat down and said he was too ill to go on, and later I saw his dead body." I was ordered to drag his body away and put it into the large excavation with the other bodies."

Polanski says "I was not an assistant block leader in block No. 12, and I would not receive any function even if it was offered to me. The story is quite untrue." I was helping those who did not want to work in the camp and never chased anybody." He also says the story about Jacobovitch is quite untrue.

Then there is the allegation of Engel Sankor, who is a Czech Jew. He was the man who was instrumental in having the accused arrested. He says: "On the 1st July 1945 I noticed a man in kitchen No. 6, camp No. 3, at Belsen whom I recognised as the accused, an assistant block leader of my block in Belsen. The accused tried to get away but we caught him. In block No. 12, camp No. 1, Belsen, in early April 1945 at 3 a.m. the accused with others beat us in the block. I was beaten by the accused with a rubber truncheon on the head. I fell down and the accused kicked me with his heavy boots. The next day when carrying corpses we covered our hands with cloth. The

✓ accused took the cloth, which had already been in contact with the bodies, and stuffed it in my mouth. In the early morning of the 15th April 1945 he drove us to carry corpses. In my party was a weak Pole, Jacobovitch, age 40, a cobbler. The accused shouted at him to get on and beat him with a club. Jacobovitch fell down and cried out: 'I can't carry on any longer.' The accused continued to beat him and Jacobovitch died. We dragged his body away to a large pit."

✓ The answer by the accused to that is: "When I was tackled by Engel I did not try to run away. I was questioned and I was taken to the British. I caused no one to work in the camp. I was not dragging corpses in early April." He says that this incident about the rag is completely untrue, and he says he has already dealt with the allegation about Jacobovitch when it was made by the man Burger.

Kopke
B | Schlomwicz was asked a few questions and he said: "I know Polanski. I saw him for the first time on the 16th April 1945. I remember seeing him after I became blockaltester, but not before. I do not know Josef Deutsch, but Polanski could not have beaten anyone as he says when I was blockaltester in No. 12." He corroborates that the accused could not speak German. He says he came with a Pole and said he had been appointed by the Polish committee to look after Poles, and he denies that this man was ever a blockaltester."

X
C | The last accused I have to deal with is the woman Helena Kopper, who has perhaps flitted across these proceedings more frequently in one way and another than any of the accused in the dock. She was born on the 12th February 1910 in Poland. She says she is a married woman and has two children. She said that she had no occupation. She was arrested by the Germans on the 12th June 1940 because she was in possession of anti German literature. She then details her history, and in her case perhaps I might deal with it in some little detail. She was, first of all, in prison in Cracow. She says that of 60 women 31 were sentenced to death by the Gestapo and the remaining 29, of which she was one, went to Ravensbruck. She remained in Ravensbruck until the 20th October 1942. She says that she was badly treated in that concentration camp. She then went on a transport to Auschwitz on the 23rd October 1942 and she was there until the 20th December 1944. She was employed at Auschwitz for two weeks and then was sent to the punishment kommando. She says: "I had a number tattooed on my arm at Auschwitz which I had at Ravensbruck."

X
D | Whatever you think of Kopper as a witness and as an accused it must be accepted by most people that she had a pretty hard time of it, because she was in the punishment kommando for a very long period. She explained she was in it up to the time she went to Bergen-Belsen. She seems to have taken up the attitude that in that concentration camp, if you were strong minded and claimed that you had certain rights you could get them. That is rather at variance with what you have heard before, and you will have to carefully consider whether Kopper really did take up this attitude which she was indicating in her evidence, or whether she would have been allowed to do it just as an ordinary internee in the camp. She says, however: "I was not too badly treated because I knew what I could do."

X
F
X
G | She went from Auschwitz in a transport to Bergen-Belsen, and you will appreciate that she gives you a very full picture of Belsen. She says that they were under canvas and the wind destroyed the tents, and eventually they had to be transferred to wooden huts. She says she was first sent to block No. 27 in camp No. 1, and then to block No. 205 when Kramer came. She says that in block No. 27 she was an assistant blockaltester. She says: "I was appointed by the blockaltester herself. I helped her. It was not an official appointment." She was not appointed, presumably, by the Germans. She says she was only four days in Block No. 27, and that then she went to block No. 205 Gollasch, who was the German official, appointed her blockaltester. She says she was blockaltester for three weeks in this block, and then the whole of the inmates were transferred to block No. 224 in camp No. 2 because of a typhus outbreak. She says she was blockaltester until the 15th February 1945. Then she says she was too

✓ accused took the cloth, which had already been in contact with the bodies, and stuffed it in my mouth. In the early morning of the 15th April 1945 he drove us to carry corpses. In my party was a weak Pole, Jacobovitch, age 40, a cobbler. The accused shouted at him to get on and beat him with a club. Jacobovitch fell down and cried out: 'I can't carry on any longer.' The accused continued to beat him and Jacobovitch died. We dragged his body away to a large pit."

✓ The answer by the accused to that is: "When I was tackled by Engel I did not try to run away. I was questioned and I was taken to the British. I caused no one to work in the camp. I was not dragging corpses in early April." He says that this incident about the rag is completely untrue, and he says he has already dealt with the allegation about Jacobovitch when it was made by the man Burger.

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Schlesinger was asked a few questions and he said: "I know Polanski. I saw him for the first time on the 16th April 1945. I remember seeing him after I became blockaltester, but not before. I do not know Josef Deutsche, but Polanski could not have beaten anyone as he says when I was blockaltester in No. 12." He corroborates that the accused could not speak German. He says he came with a Pole and said he had been appointed by the Polish committee to look after Poles, and he denies that this man was ever a blockaltester."

Kopper
X
The last accused I have to deal with is the woman Helena Kopper, who has perhaps flitted across these proceedings more frequently in one way and another than any of the accused in the dock. She was born on the 12th February 1910 in Poland. She says she is a married woman and has two children. She said that she had no occupation. She was arrested by the Germans on the 12th June 1940 because she was in possession of anti German literature. She then details her history, and in her case perhaps I might deal with it in some little detail. She was, first of all, in prison in Cracow. She says that of 60 women 31 were sentenced to death by the Gestapo and the remaining 29, of which she was one, went to Ravensbruck. She remained in Ravensbruck until the 20th October 1942. She says that she was badly treated in that concentration camp. She then went on a transport to Auschwitz on the 23rd October 1942 and she was there until the 20th December 1944. She was employed at Auschwitz for two weeks and then was sent to the punishment kommando. She says: "I had a number tattooed on my arm at Auschwitz which I had at Ravensbruck."

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Whatever you think of Kopper as a witness and as an accused it must be accepted by most people that she had a pretty hard time of it, because she was in the punishment kommando for a very long period. She explained she was in it up to the time she went to Bergen-Belsen. She seems to have taken up the attitude that in that concentration camp if you were strong, minded and claimed that you had certain rights you could get them. That is rather at variance with what you have heard before, and you will have to carefully consider whether Kopper really did take up this attitude which she was indicating in her evidence, or whether she would have been allowed to do it just as an ordinary internee in the camp. She says, however: "I was not too badly treated because I knew what I could do."

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X
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She went from Auschwitz in a transport to Bergen-Belsen, and you will appreciate that she gives you a very full picture of Belsen. She says that they were under canvas and the wind destroyed the tents, and eventually they had to be transferred to wooden huts. She says she was first sent to block No. 27 in camp No. 1, and then to block No. 205 when Brenner came. She says that in block No. 27 she was an assistant blockaltester. She says: "I was appointed by the blockaltester herself. I helped her. It was not an official appointment." She was not appointed, presumably, by the Germans. She says she was only four days in Block No. 27, and that then she went to block No. 205 Gollasch, who was the German official, appointed her blockaltester. She says she was blockaltester for three weeks in this block, and then the whole of the inmates were transferred to block No. 224 in camp No. 2 because of a typhus outbreak. She says she was blockaltester until the 15th February 1945. Then she says she was too

nervous to carry on the work and so she asked the lageraltester to remove her. She was then appointed a camp policewoman and she remained in the police until the 3rd March 1945. She says on the 25th March Ehlert gave her a beating, and she was taken to prison. She says she was in prison -- you will remember this has come out before -- with Francis and that she left prison with Francis. After her release she became an ordinary prisoner until the British came. She says she went to block No. 224 and that she was completely exhausted and ill. When she got to block No. 224 she became blockaltester and she told you what the staff was and that there were 850 internees in the block. She told you what her job was. She says there were no parades in block 224 when she was there because the percentage of sick was so high. She says she got the lageraltester to agree that there was no point in taking the sick outside and that Gollasch agreed to count the strength of the prisoners inside the block instead of having them out in the open. She says she was arrested by the British on the 8th June 1945.

Well, Sir, you know she made a statement about herself and about others. I am not going into that; you have it all before you and it is for you to say what weight you are going to attach to it. She says that she was an informer and a spy, but she says there was justification for what she did and if you examine why she gave information you will find that it was in the general interests of everybody else. A great deal of time has been taken on Kopper and I do not propose to put forward any further of the evidence in regard to the defence.

In regard to the prosecution there is a great volume of accusations, and without going through them in great detail I will endeavour to condense them as much as I can. The first witness was Szafra. She said that Kopper worked in the same kommando at Auschwitz, which was a bad kommando because they had to make munition instruments. She says that the accused worked in many different kommandos and would put the interpretation upon that that she might inform the authorities of their behaviour. No charges are, of course, made against Kopper in regard to Auschwitz, and this evidence is called to show the systematic way the prosecution say she was behaving.

With regard to Rozenways, I do not think there is very much she says that is worth while, and I pass on to Samschein. She says Kopper was considered to be an informer in the camp at Belson. "I knew Kopper in both Auschwitz and Belson. She was in the punishment kommando, strafkommando. I used to go to see my friend in this punishment kommando. That is really all she says.

Then there was Guterman. She says: "She was blockaltester in several blocks. She beat internees. She left this post and took on another job in the camp. Once I moved at an appel. Kopper beat me with a belt and made me kneel down. She beat me across the head. The weather was very wet and it snowed. The beating was a very severe beating and I also had to kneel all the time. I had to kneel for about one hour. In the overseer was passing, she said: 'It is not nice that an old woman should kneel' and suggested that I should stand up. Kopper said: 'I am sorry, but I am responsible and she must kneel as I have told her to do.' The overseer did not interfere further and I continued to kneel. I remember a woman, Fischer, standing without shoes or stockings. Kopper said: 'Why don't you work?' and she replied: 'I cannot work without shoes.' Kopper ordered her to kneel. Fischer was about 40. The weather was very wet. Fischer had to kneel throughout the whole appel, one hour. Fischer complained after that she had a high fever and three weeks later she died." The witness also remembers a sick Polish woman in the block suffering from swollen legs. She said: "She asked to stay in bed and not parade; asked to stay and be on the floor. Kopper started to beat her and compelled her

to go on parade. She fainted on the parade and was taken to hospital, and after three days she died. I have seen Kopper beat other people who have come from other blocks to visit internees." >

A Kopper's answer to this witness is: "Guterman came to Belson in the same transport as I did. Guterman knew me perfectly well. She was my assistant. During my absence she gave internees water instead of arrakado and altered the quality of it", which is an allegation that she was watering the food. I do not understand it myself. She goes on: <"I gave her a beating to undermine her prestige. Gellaseh was the woman who passed and enquired into the incident when the woman was kneeling. She told me to dismiss her from her job. The next day she became an ordinary prisoner and went to another block. The woman had to kneel for 20 minutes and not an hour. I never beat her, because she was a functionary in the block." >

C As regards the woman Fischer she says: <"I knew the woman Fischer very well. Fischer is still alive in Belson in block G.D. 13. All prisoners had shoes and I never made her kneel at all." With regard to the next part she says: "This is a lie." > Block No. 205 only had sick people. I never forced anyone to go on parade as I knew that it meant to be forced on parade when I was a prisoner. No incident of this kind took place either in block No. 224."

Then there is the witness Synger. She says: "Kopper became block altester at Belson. Kopper behaved very badly to internees, she beat them very much. She beat them because of roll call, making it more difficult for us. She beat us with a leather belt; if not with the belt anything that was available. She was very unkind, forcing people to attend parades, and excusing those from attendance whom she wanted to favour. <I remember an old woman from Leipzig, her leg was swollen. I tried to get the accused to let her off parade but the accused started to beat her and made her attend the parade. On the parade she fainted. Kopper would not let me take her into the block. We took out a chair and after parade we took her to hospital where she died. The weather, at this time, was very cold and raining and on many occasions women had to kneel." Kopper says: "This is not true. There were only five women from Leipzig in my block for one day and they were transferred to another block."

The witness goes on: "I remember a case where an old woman could not stand to attention and the accused ordered her to kneel. An overseer came along, noticed her kneeling, and asked Kopper why she was kneeling", and then we got the same sort of allegation that Kopper said she must kneel. Kopper's answer was: "This is Guterman, and I have already dealt with it". The witness goes on: "Food distribution in the block was supervised by Kopper. She distributed soup. Some special privileges were granted by Kopper to some people who made her presents. Kopper allowed some five or six sick people to stay in but they were not all ill. Kopper also used to denounce prisoners."

Then there was Koppel. She says: "Kopper was block altester in 205 and 224 blocks at Belson. I went to hospital to have my eyes dressed and supper was issued. <When I came back I went to Kopper and said I had not got my supper. Kopper got out of bed and started beating me terribly on the head. I fainted and found myself in my block. >I am now suffering from heart disease. I was told when I was unconscious I was shouting 'My heart, my heart'. I do not know why that is in it at all. <Kopper behaved to others in the block very badly. Once on a parade when a woman asked to be excused for a minute Kopper started beating her and the woman died." >

Kopper gave her explanation of this incident. She says she remembers Koppel: "She came to my room and demanded soup. <I said she could not have soup but could have a double ration the next day. She became aggressive so I had to resort to beating her. I was told the next day she fainted, but it was for a different reason. She put on a light in an air raid and a guard shot into the block. I have never hit anyone with a stick, only with my belt." >

Then there was Klein. She says: "Kopper was a woman who was an informer denouncing people. She was also a block altester." Kopper says: "I did give information but it was proper information given in the interests of the camp as a whole." >

Then there was Lasker: "I saw Kopper at Auschwitz. She was known as a camp spy. I know nothing about her in Belson". > Then there is the affidavit of Regina Bialok. She says: "I met Kopper on a journey from Auschwitz to Belson. Kopper reported to the S.S. names of women in possession of valuables. <Kopper was block altester of Block 27 women's camp at Belson. I was in that block. Kopper deprived people of their share of food. She frequently beat women across the head and all parts of the body with a stick. She did not inflict serious injuries". > Then she says that Ehlert struck Kopper and set other prisoners on her. > Kopper says she had nothing to do with food. "It is untrue. <I have never beaten anyone with a stick. I only used a belt because I have suffered so much as a prisoner. The belt was a narrow one made of dress material. I had nothing to do with keeping order in alerts. Special police did this." >

Then there was Furstenberg. She says: "At Belson I have seen Kopper beat other women with a stick or strap. She made old women kneel at appeals for a long time. There was a Polish Jewess, about 30, sick in the

block. She missed her food and asked Kopper for it. Kopper beat her over and over again over the head with a leather strap. She beat her on the ground. She suffered from concussion. Three or four days later she died. I saw her die and other prisoners took out the body. Kopper was beaten by other block altesters because she had informed the S.S. they were in possession of jewellery." Kopper said: "I beat people on parades in block 205 but not in Block 224. I did this very seldom and I shouted more than I beat. One one occasion only did I order a woman to kneel and it was my own stupid altester, Guterman." That seems to be the incident I have referred to twice before. "It is untrue to say I beat a woman until she died. I have not caused any harm by my beatings." She again reiterates that this woman in the incident of kneeling was Guterman. She denies she was ever beaten by the block altesters.

Then there is the affidavit of Hanka Rosenberg. She says: "In Belson I know Kopper. I know her at Belkenau. In March, 1945, I saw Kopper beat a girl prisoner with a whip because she asked for more soup. When she ran away Kopper chased her hitting her." Kopper says: "At this time I was in prison. I was on police duty and as such had nothing to do with food."

Then there is the affidavit of Stojowska, a Polish Jewess. She says: "At Belson the accused was block altester, Block 205 and 222. In March, 1945, kitchen 1, Kopper was beaten by other block leaders because of information given to the S.S. that the block leaders were in possession of jewellery." You have heard of all this before and I am not going to take up your time in dealing with it.

There were some other witnesses questioned about Kopper and I will deal with them quite shortly. Volkenrath said: "I do not remember her from Ravensbruck. I remember her at Auschwitz in the punishment kommando. I did not have anything to do with these kommandos. She was a political prisoner and wore a red triangle".

Ehlert says: "Kopper was a spy for the Gestapo. She beat her fellow prisoners. Functionaries searched Kopper's room and found four loaves of bread, bacon, cheese, etc. Kopper later admitted this was all hers. I was called from my office that Kopper was being beaten to death. I found Kopper unconscious on the floor. The others said we want to kill her as it is too much we have to suffer from her. Her arm was broken and she was taken to hospital. Sent to prison for three weeks" and there was something about a poster on which was written "I am a traitor". "I considered Kopper to be a liar". In cross-examination Ehlert said: "I first met Kopper in Belson at the beginning of March, 1945, when I slapped her face. Kopper was then on camp police and had a stick."

Zeddel says: "I remember a night when planes dropped pamphlets on Belson. It was about the middle of March, 1945. When pamphlets were found prisoners were strictly held in blocks and internees were not allowed to read them".

Freida Walter says: "I know Kopper in Belson. I saw her some five or six times in women's compound in front of kitchen 3. She was on camp police to see prisoners should not crowd in on the kitchen. I never saw her beat anyone. I did not see her with a stick".

Then there was Starostka: "I knew Kopper at Auschwitz first in the block and then in the strafekommando. At Belson I found Kopper as block altester, I think, of Block 205. Kopper was not suited to be a block altester as she was on the point of a nervous breakdown owing to her long sojourn at Belson. She was inclined to be hysterical. I felt pity for her and I reduced her to the level of a prisoner. I asked Gollasch to put her on camp police and this was done".

Well there, sir, you have a complex story, and it is a rather curious one, dealing with Kopfer and it is for you to say whether or not on this evidence the prosecution have made out their case against her.

I have dealt generally with the evidence which relates to the two issues I put before you, one, whether a war crime has been committed and, two, whether the accused, or any of them, have committed it, and now I want to conclude my remarks by just a few observations.

I think you will appreciate what the case for the prosecution now is. On a broad basis it is suggested that in Germany in those war years there was this system of concentration camps of which Auschwitz and Belsen were two; that in these camps it was the practice and the habit to treat people, especially the unfortunate Jews, as if they were on no account and had no rights whatsoever; that the staff of these concentration camps were deliberately taking part in a procedure which took no account of these wretched people's lives; that there was calculated mass murder such as at Auschwitz; that there was calculated disregard of the ordinary duties which fell upon a staff to look after the well being and health of people at Belsen; that throughout all these camps the staff were made quite clearly to understand the brutalities, illtreatment, and matters of that kind would not be punished if they took place at the expense of the Jews, and the case for the prosecution is that there was this common concerted design of the staff to do these horrible and terrible things.

The prosecution have brought before you in the dock a large number of persons ranging from Kramer, the commandant who was in charge of Auschwitz and Belsen (and who seems to have been such a loyal and faithful servant to his masters that he was twice decorated by them, a second time in January, 1945, after his sojourn at Auschwitz) down to the kape or the functionary who was a tool, and whose reward for his efforts appears to have been to have the right to a bed and an extra bowl of soup. Be that as it may, the prosecution's case is that they take the view, and they ask you to consider whether it has been established or not, that all these people in the dock in one way or another were taking part in this common concerted way to illtreat, and in some cases kill, these unfortunate Jews. If you are satisfied of that they ask you to say that each and every one must bear their responsibility for what happened. Their responsibility must, of course, vary with their position, but the prosecution say they are still guilty.

Now, Sir, I know you will carefully consider these matters. You may think that there is no distinction which one should give to people who are concerned in their various duties with the gas chamber. You may think that if these aufseherin were responsible and taking part in a concerted scheme at Belsen to illtreat these Jews they must take the responsibility for that. On the other hand, if you think these aufseherin, or some of them, were at Belsen doing a good job of work in the kitchens and trying to help as much as they could, that is a factor you will have to consider when considering their guilt or otherwise for the appalling state of affairs that arose at Belsen.

That is the short issue which you have to consider, and I propose to leave it in your hands to deal with in the light of the evidence.

There is one other matter upon which I would like to touch and that is that this trial has taken a long time. I think at the outset there were a number of people who thought and hoped that this was to be a sort of pageant in which these people in the dock would play their part and whatever was seen, whatever was heard, in this Court they would go to their ultimate fate. But, Gentlemen, that is not so. The powers which brought you here decided that these people should have a trial in accordance with the law and though they may not have appreciated that it would take so long they must have appreciated that it would take a great deal of time.

Now, gentlemen, you appreciate that as officers of a military court it was your duty to obey your instructions and I think you have carried out your instructions fairly and fully but it did result, and I myself am glad of it, in that these Germans and Poles had to be given a charge sheet in which was set out specifically what the prosecution complained, that it did give them time to prepare their defence, that it did require the prosecution to bring here evidence to satisfy you of their guilt, and that it involved the calling of many, many, witnesses and the examination of many, many, affidavits. It is idle to talk about justice unless the accused know what is being said against them and so, rightly I think, every piece of evidence was translated to them and that involved every piece of evidence given being translated into both Polish and German and sometimes other languages.

✓ In my view the great safeguard of cross-examination was afforded to the accused and so, as far as they could, the defending officers worthily exercised their right to cross-examine which has increased the volume of evidence. Then, Gentlemen, in our procedure an accused person is allowed to give evidence on oath and he is treated like any other witnesses and so it came about that at this trial no less than 43 of the 45 accused availed themselves of that right to go into the box.

Now, Sir, what use is it to take all this evidence and to take all these affidavits unless somebody is going to sum it up on behalf of the accused and so quite rightly again, I am glad to say, in my view, the defending officers, who have conducted this case so properly in accordance with their duties as officers and members of an honoured and learned profession, summed up their cases on behalf of each of their accused; and, gentlemen, it was not easy for them. They were appearing for Germans and Poles. It was a duty for which I am sure they would not have volunteered but as a duty they accepted it and they have done their duty most loyally and faithfully to the men and women they represent.

It became apparent in the early days of this trial that the Court would have to range over many matters, that they would have to deal with literally hundreds of incidents many of them quite unattached one to the other, alleged crimes of every gravity from mass murder down to brutal assault; all that had to be taken, all that had to be considered, and in the result, gentlemen, it became inevitable that this trial would take a long time and it has taken a long time.

I think the answer to it, gentlemen, will be found in the words of a great legal authority who said during the course of a trial words something like this, that time was relatively unimportant, that it was justice that really counted and, gentlemen, to that I would add that not only should justice be done but it should appear to be done.

Now, Sir, you are about, in the next few minutes, to go to the peace and quiet of your room to decide the fate of these men and women in the light of the evidence. When you go I would ask you to take with you the words of Lord Sankey in the famous case of Walsingham versus the Director of Public Prosecutions, a case that is known throughout the length and breadth of every English court. "Throughout the web of the English Criminal Law one golden thread is always to be seen, that it is the duty of the prosecution to prove the prisoner's guilt. If at the end of and on the whole of the case there is a reasonable doubt created by the evidence given by either the prosecution or the prisoner the prosecution has not made out the case and the prisoner is entitled to an acquittal no matter what the charge or where the trial." The principle is that the prosecution must prove the guilt of the prisoner as part of the common law of England and no attempt to whittle it down can be entertained and no attempt has been made in this case by the prosecution to whittle it down.

Now, Sir, if you have a reasonable doubt in regard to any one of these accused it is your duty to record a finding of not guilty. On the other hand, if the prosecution have established their case to your satisfaction, and have excluded a reasonable doubt by producing that judicial certainty which excludes such a doubt, then, gentlemen, it would be your duty to convict and to mete out that stern justice which a conviction on charges of this kind not only requires but demands.

THE PRESIDENT: Is it clear to the accused what has happened? Has it been explained to them or not that the learned judge advocate has summed up and that now the Court considers the case in closed Court?

MAJOR GRANFIELD: They understand.

THE PRESIDENT: The Court will now go into closed Court.

(At 1057 hours the Court is closed.)

(At 1310 hours the Court is adjourned.)

(At 1358 hours the Court re-assemble in closed Court.)

(At 1605 hours the Court is re-opened.)

(The accused are again brought before the Court.)

THE PRESIDENT: The accused will just pay attention now. I wish to make it perfectly clear to you that findings of guilty are subject to confirmation by superior military authority. Findings of not guilty are final and clear you of the particular charge on which they are given.

A All of you, with the exception of number 40, Stanislaw Starotska, were arraigned before this court charged with committing a war crime, in that you, at Bergen-Belsen, Germany, between 1st October 1942 and 30 April 1945 when members of the staff of Bergen-Belsen Concentration Camp responsible for the well being of the persons interned there, in violation of the law and usages of war were together concerned as parties to the ill treatment of certain of such persons causing the deaths of Keith Meyer (a British national), Anna Kis, Sara Kohn (both Hungarian nationals) Hegmech Glinovjechy and Marla Komatkevich (both Polish nationals) and Marcel Freson de Montigny (a French national) Maurice Van Eijnsbergen (a Dutch national) Jan Markowski and Georgej Ferenz (both Polish nationals) Maurice Van Meylencar (a Belgian national) Salvatore Verdum (an Italian national) and Therese Klee (a British national of Honduras) allied nationals and other allied nationals whose names are unknown and physical suffering to Oswald Le Duillerec (a British national) Benec Zouchernann, a female internee named Korperova, a female internee named Hoffman, Luba Rozmann, Ida Frydman (all Polish nationals) and Alexandra Siwidowa, a Russian national and other allied nationals whose names are unknown.

I shall refer to that as the first charge.

B In addition, number 1, Kramer, 2 Klein, 3 Weingartner, 4 Kraft, 5 Hoessler, 6 Borman, 7 Volkenruth, 8 Hilbert, 9 Grese, 10 Lothe, 11 Lobauer, and number 26 Schreirer, are charged with committing a war crime in that you, at Auschwitz, Poland, between 1 October 1942 and 30 April 1945 when members of the staff of Auschwitz Concentration Camp responsible for the well being of persons interned there in violation of the law and usages of war were together concerned as parties to the ill treatment of certain such persons causing the death of Rachella Silberstein (a Polish National) allied nationals and other allied nationals whose names are unknown and physical suffering to other persons interned there, allied nationals, and particularly to Ewa Grym and Hanka Rosenwag (both Polish nationals) and other allied nationals whose names are unknown. The accused No. 40, Stanislaw Starotska was arraigned on that Auschwitz charge only.

C I shall refer to that Auschwitz charge as the second charge.

You will stand as I call out your names. You will sit down when the interpreter has interpreted the findings on each charge to you.

No. 1, Kramer; the Court find you guilty of the first charge and guilty of the second charge.

No. 2, Klein; the Court find you guilty of the first charge and guilty of the second charge.

No. 3, Weingartner; the Court find you guilty of the first charge and guilty of the second charge.

No. 4, Kraft; the Court find you not guilty of the first charge and not guilty of the second charge.

No. 5, Hoessler; the Court find you not guilty of the first charge and guilty of the second charge.

No. 6, Borman; the Court find you not guilty of the first charge and guilty of the second charge.

No.7, Vollbracht; the Court find you guilty of the first charge and guilty of the second charge.

No.8, Ehlert; the Court find you guilty of the first charge and not guilty of the second charge.

No.9, Grese; the Court find you guilty of the first charge and guilty of the second charge.

No.10, Lothe; the Court find you not guilty of the first charge and not guilty of the second charge.

No.11, Lobauer; the Court find you guilty of the first charge and guilty of the second charge.

No.12, Klippel; the Court find you not guilty of the first charge.

No.14, Schmitz; the Court find you not guilty of the first charge.

No.16, Francioh; the Court find you guilty of the first charge.

No.18, Mathes; the Court find you not guilty of the first charge.

No.19, ^{Case} ~~W~~yllasson; the Court find you guilty of the first charge.

No.20, Zargraf; the Court find you guilty of the first charge.

No.21, Egersdorf; the Court find you not guilty of the first charge.

No.22, Pichen; the Court find you guilty of the first charge.

No.23, Otto; the Court find you not guilty of the first charge.

No.25, Stofel; the Court find you guilty of the first charge.

No.26, Schreirer; the Court find you not guilty of the first charge, guilty of the second charge.

No.27, Dorr; the Court find you guilty of the first charge.

No.28, Barsch; the Court find you not guilty of the first charge.

No.29, Zoddal; the Court find you guilty of the first charge.

No.30, Schlaevicz; the Court find you not guilty of the first charge.

No.31, Ostrowski; the Court find you guilty of the first charge.

No.32, Aurdziog; the Court find you guilty of the first charge.

the first charge. No.33, Ilse Forster; the Court find you guilty of

of the first charge. No.34, Ida Forster; the Court find you not guilty

first charge. No.35, Opitz; the Court find you not guilty of the

of the first charge. No.36, Charlotte Klein; the Court find you not guilty

charge. No.37, Dothe; the Court find you guilty of the first

first charge. No.38, Walter; the Court find you guilty of the

first charge. No.39, Haschke; the Court find you guilty of the

first charge. No.40, Fies; the Court find you guilty of the

first charge. No.41, Sauer; the Court find you guilty of the

first charge. No.42, Lisievitz; the Court find you guilty of the

first charge. No.43, Roth; the Court find you guilty of the

first charge. No.44, Hempel; the Court find you guilty of the

the first charge. No.45, Hahnel; the Court find you not guilty of

first charge. No.46, Kopper; the Court find you guilty of the

the first charge. No.47, Polanski; the Court find you not guilty of

second charge. No.48, Starostka; the Court find you guilty of the

In the case of findings of guilty on the ^{Belsen} first charge the words: "Anna Kis, Sara Kohn (both Hungarian nationals) Hejacech Glinovjechy and Marla Konatkevicz (both Polish nationals)" ~~will be~~ ^{would be} omitted, as well as the words: "A female internee named Korperova".

In the case of findings of guilty on the ^{Auschwitz} second charge, the words: "And particularly to Ewa Gayka and Hanka Rosenways (both Polish nationals)" ~~will be~~ ^{would} be omitted.

The following will stand up and remain standing as I name them:- Number 4, Kraft; number 10, Lothe; number 12, Klippel; number 14, Schmitz; number 18 Mathes; number 21 Egersdorf; number 23 Otto; number 28 Barsch; number 30 Schlomoivicz; number 34 Ida Forster; number 35 Opitz; number 36 Charlotte Klein; number 45, Hahnel; and number 47 Polanski.

THE PRESIDENT: You fourteen accused have been found not guilty of the charges preferred against you. You are, therefore, no longer the concern of this court. You will now be removed by the Provost Marshal and held in safe custody pending such orders as the Convening Officer may see fit to issue.

(The above enumerated 14 people leave the Court)

THE PRESIDENT: I will now call on the prosecutor to produce any evidence that he has relating to your age and service.

COL. BACKHOUSE: I have no evidence at all apart from what has already been produced before the court. For the assistance of the court, and probably more for the convening officer as the court have their own notes, I have prepared the particulars of each of the accused. These particulars are taken from their own statements. It is, of course, impossible to check them, but in order that they might be agreed, I have asked each of the defending officers to extract the particulars themselves from the transcript. On the form is shown the nationality of the accused, age, service in the SS, if in the SS, if an internee the total time spent as an internee, time spent as an internee in any position of authority under the SS, reason for internment, and if neither SS nor internee what is exact status. On each of those forms the defending officers have filled in the particulars in respect of their own accused.

The court will appreciate that in certain cases the prosecution and the defence were not as one. In particular I may take the instance of Schreirer where he says he was not in the SS and the prosecution say he was. Therefore, in order to surmount this difficulty I have had a second column added which is headed "Allegation of Prosecution" in which is entered the prosecution's version as opposed to that of the defence. In each of those cases where an entry appears in the second column I have shown them to the respective defending officers, and in each case the defending officer has agreed that what I have entered is a fair statement or suggestion.

I do not put these forward as evidence as to character but merely as a convenient summary of the evidence which has been given to the court. I have had sufficient copies prepared for each member of the court.

THE JUDGE ADVOCATE: Are these meant to become part of the official records of the court or not?

COL. BACKHOUSE: That is entirely a matter for the court. I would suggest that they should, but, as I say, there is nothing in them which is not already in the shorthand transcript. It is merely a convenient way of putting it quite shortly before the members of the court and before the Convening Officer. It does not pretend to go further than that.

THE JUDGE ADVOCATE: Are you accepting that they are all men of good character apart from the charges?

COL. BACKHOUSE: I merely say that I have no further evidence with regard to their character.

THE JUDGE ADVOCATE: May the court see what you propose to put in before they decide upon the matter? (Document handed to the Judge Advocate)

COL. BACKHOUSE: You will notice that, in fact, only in the cases of Kulasson, Burggraf, Piehen, Shreirer, Ostrowski and Starotski, have I added anything at all to the prosecution's column; and only, I think, in the cases of Shreirer and Ostrowski is there anything which is at all controversial.

THE JUDGE ADVOCATE: Have any of the defending officers any objection to this course being adopted?

MAJOR CRANFIELD: No, we have agreed to it.

(Forms are marked exhibit 152 signed by the President and attached to the proceedings)

THE PRESIDENT: Do you wish to address the court, Major Winwood?

MAJOR WINWOOD: Peter Weingartner is a Yugoslav national with a wife and three children whose whereabouts are unknown. He was in the Yugoslav army and took his part in the fight against Axis aggression. His country fell to the Axis and he had to serve Germany. He was forced to do ~~that~~ service in the SS at Auschwitz and Belsen.

2 | The court have seen him in the witness box and they have heard him. I feel ~~sure~~ that ~~the court~~ must have formed the opinion that his mentality and temperament ~~are~~, to say the least, not quite normal. One cannot help feeling that he was not a suitable choice to put in charge of a large number of women, and I do ask the court to believe that ~~his~~ nerves and temper sometimes overrode his reason, and that deliberate ill-treatment was not part of his make-up.

4 | There is no evidence that he took part either actively or passively in the gas selections. The most that can be said is that by his silence and absence of protest he tacitly assented to what was happening in this camp. ~~He was one of those unfortunate people caught up against his will in the Nazis machine of which he became an unwilling but very easily moulded tool.~~

5 | Doctor Klein is 57 years of age divorced from his wife. He is a Rumanian by nationality, but feeling himself to be German put his services at the disposal of the National Socialist regime. He was posted direct as an SS doctor to Auschwitz and there he found, as a doctor, that he had to take part in selections for the gas chamber. He ~~received from his superior officer distinct and direct orders what to do.~~ Plea of superior orders does not avail in this trial to remove legal responsibility for a war crime, but I do ask the court to consider it as affecting the sentence for such crime.

6 | ~~From the purely practical and human point of view, Dr. Klein had little option in disobeying the orders he received.~~ The commander of the U-boat who was told to sink survivors of torpedoed ships can disobey that order with a good chance of his superior officer not discovering his disobedience. But in Dr. Klein's case ~~his superior was on the spot seeing that he carried out the order~~ and the degree of practical feasibility in disobeying the order was negligible. I do respectfully ask the court which has held him legally responsible to scale down the legal responsibility by the practical and human problems which Dr. Klein had to face. In his summing-up the learned Judge Advocate said that he understood that it was a doctor's duty to preserve life. Against Dr. Klein there is no allegation of ill-treatment, beating, shooting, and inhuman experiments; nor is there any evidence that he considered internees should be treated like cattle. He is a professional doctor and an elderly man. ~~It had been said that he sent thousands to their death in the gas chamber, but every man or woman who Dr. Klein chose as fit for work was saved from the gas chamber, and he or she was granted a lease of life.~~ Surely, sir, a man of this type could do more for the internees by taking part in selections than by leaving the selecting to ~~those~~ more brutal and more advanced SS men. I would ask the court when considering his sentence to look on Dr. Klein as a man who, to a certain degree, actually saved people from death.

Josef Kramer is a German with a wife and three young children. He joined the SS thirteen years ago, and I do ask the court not to hold this against him. The SS was not an illegal organisation. It was merely part of the armed forces of a now beaten country. I would rather ask the court to consider this service as service in the cause of the country in which he was born and in which he was brought up, and in the cause of the system to which he gave his allegiance.

9 | ^{represented} Kramer had put himself before you as a true German who carried out an order because it was an order. He may have wondered himself whether it was right or not, but his own personal feelings or qualms faded into insignificance besides the fundamental German principle that an order is given to obey. This is a court of British officers considering the sentence to be awarded to a German, who held the rank of captain, for a crime against humanity. A British officer of the same rank and equivalent position would, I suggest, bear a greater degree of responsibility if convicted of such a crime for he had been brought up to consider the principles of tolerance, kindness, and the rule of fair justice. The mind of the German, especially that of a National Socialist and member of the SS, ^{was} drilled into one particular channel and the broad view of humanity ^{was} lost sight of. I do ask the court, now that legal guilt has fallen on Kramer, to consider this human and ~~essentially~~ German point of view when approaching the question of his sentence.

11 | At Belsen he was the responsible man on the spot. He well knew the conditions and he must have known that he would be brought to account for his action. He must have known that his superiors had washed their hands of him. Yet he stayed there until the last moment to face the music when he, like many of the other SS men, could have forsaken Belsen and fled. That, I venture to suggest, should not be forgotten.

All these accused have spent seven months in arrest, and Kramer has spent all that time in solitary confinement. If they had disobeyed the orders which they were given at Auschwitz and Belsen they would have been punished, and now they are to be punished for obedience to these orders.

12 | In conclusion I wish to quote one phrase from the Manual of Military Law at page 61: "The instigator of an offence should receive a more severe sentence than the person who was instigated to commit it". The men ~~here~~ ^{in the dock} were instigated to commit this war crime and they have been found guilty. The instigators of the crime ~~are~~ ^{will} about to stand their trial in Nuremberg. In their indictment these major criminals are charged with setting up concentration camps, with the ill-treatment of internees, and with mass killing of Jews and others by gas chambers and other barbarous methods. Are you, sir, and the members of your court to mete out to these minor characters ~~here in the dock~~ a punishment which ^{could} not be exceeded at Nuremberg? Are you going to say that Kramer bears the same responsibility as Goering?

I do with great respect but with all earnestness ask you to consider these accused whom I represent as much too far down the scale to be able to mould a policy or to change the system, and much too far down the scale to suffer the supreme penalty.

14 | MAJOR MUNRO: I ^{myself} wish to associate myself in the first place with what my friend Major Winwood has said about the State system and also as to the effect on sentence of the plea of superior orders. Apart from that there is very little my accused wish me to say, except to underline certain aspects of the evidence which is already before you.

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The accused Bessler is a German. He was born in 1906 and is therefore in his fortieth year. He is married and has two children. Before he joined the SS in January 1933 he was a photographer, but had been unable to obtain work for two years. It is hardly surprising, therefore, that he should have found it necessary to join the SS, if the court remembers the grim time through which Germany was going at that time.

15/ The evidence against him is of rather a different character to that of most of the other accused in that apart from one general affidavit, there were no allegations of personal brutality. There is also a certain amount of evidence in his favour which I ask the court to take into account when considering sentence.

16/ The accused Bonnan is also a German and she is in her forty-ninth year. She is unmarried and before she joined the SS she was in what is known as the German Mission which, I understand, is a charitable institution of a rather Spartan nature, within which people have to work for bare existence. Bonnan herself, you will remember, told you that she joined the SS to make more money, and she has asked me to stress to the court that her life up to that time had been one of rather bitter and friendless loneliness. She joined the SS to better her conditions and to better her pay. Her job in the concentration camps has been of a humble nature, and she sits before you in the dock a little aged woman whose life has been hard and bitter, and who has hardly ever known a friendly word.

The accused Volkenrath is also a German who has just entered her twenty-seventh year. Her childhood was spent in the chaos of the last post war Germany. She became employed in a hair dressing saloon and was then called up for national service in 1939. Later in 1941 as a girl of twenty-two she was conscripted into the SS which, in itself, is a point which I would respectfully ask the court to bear in mind. There was no question of her volunteering.

18/ She also asks me to state that the job she had latterly at Delsen of Oberaufseherin was not ^{so} such an important job as it sounds. She had no administrative control in the camp, and the job mainly consisted in detailing other aufseherin^s to particular jobs.

19/ Finally, the accused Ehlert, who is in her forty-first year. She was also conscripted into the SS in 1939. She was sent to Ravensbruck and the court has heard evidence as to how she behaved there. ^{What} Whatever ^{may} have happened later, it is clear that at the beginning she was a good and decent woman who looked after the interests of the prisoners, and who, it appears, was punished for it. If, therefore, after some years in a concentration camp that punishment has had its effect, it is hardly surprising, and the court ought, I think, to take into account what the conditions in concentration camps can do to ~~possibly~~ ^{could} ~~rather~~ weak human nature.

MAJOR CRANFIELD: I have nothing fresh with regard to my two accused who remain, and I have only to recall to your mind what you have already heard.

21/ With regard to Grese, you will remember that she told you her mother died when she was 14 years of age, ^{that} ~~and~~ she herself left her home at the age of 16, and at the age of 18 she was conscripted into the concentration camp service. You have heard from Starobinski of the difficulties which she encountered in controlling the women under her when she first went into a concentration camp. There can, I think, be no doubt that among those women there were many of a low and brutal type, and Grese was a girl of only eighteen years when she had to face up to it. A year later she came to the appalling atmosphere of Auschwitz. I would remind you of a phrase which I think is most significant. It was used by

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23/

the Polish witness Komsta in connection with Hoessler. She said: He was the master of our life and death and we were terrified of him". I invite the court to consider the terrible atmosphere there must have been at Auschwitz where a word or a movement either way meant death. It was to that atmosphere that Grese was sent at the age of nineteen.

Again I would remind you of the incident when all the aufseherin were paraded and where one was flogged after the commandant had read out the sentence which came from Himmler, and how this commandant turned to Grese, a girl of twenty, and ordered her to add two further strokes to the victim. I ask you to consider that incident. This young girl receiving an order of that kind from a man who was a colonel in the SS. She was less than a private soldier, aged twenty, and I would ask you to consider what sort of effect that must have had upon her.

A large part of the charge at Auschwitz against her arises in regard to camp "C", and again I would recall to your mind her position there. Under her she had 30,000 Hungarian women, and to help her only six other aufseherin. She, a girl aged twenty.

24/ Lastly, in regard to Grese, I would remind you that she is only a poorly educated girl. Her father was an agricultural labourer and she was a subject of the Nazi propaganda machine. I ask you to consider how far what she has done has been done of her own free will.

25/ With regard to my other accused, Lobauer. The court will remember that she is a prisoner of the Germans. At the time of the liberation at Belsen she had undergone five years of the most rigorous kind of imprisonment in this concentration camp, a kind of imprisonment which would never be tolerated in our own country. She received that for refusing to make munitions which would, of course, have been used against us. Further, while she was undergoing that imprisonment she received a savage beating of which she has told you as a punishment for what the court would consider a trivial offence.

28/ Finally, in regard to her I would remind you that the weight of the evidence is that these functionaries had no choice. They were ordered to take up their appointment, and they had no opportunity of refusing.

29/ With regard to both my accused, when it comes to assessing their punishment I would remind the court that they have both been in British custody for a period of seven months, and they have had to undergo the very great strain of this lengthy trial.

(At 17.12 hours the court adjourns until 09.30 hours to-morrow morning, Saturday 17th November, 1945).